

To: Marla McDade-Williams, Chad Westom
From: Rebecca Gasca, CEO of Pistil & Stigma
Date: 11/8/2013
Re: Medical Marijuana Waste Management

As noted in my email dated 11/7/13, we currently believe that existing agriculture and waste management provisions of NRS and NAC requires medical marijuana waste to be treated as solid waste, and unless rendering it "inert" were a part of a plan approved under NRS444, a cultivation facility would be unable to process their waste following the Arizona method. While this would put marijuana waste management generally outside of the purview of the Department of Health and Human Services, we do believe that anyone collecting applicable waste would still need to be licensed by DHHS as a "producer" because of the definition of marijuana under NRS453 (which 453A.110 refers to directly).

Additional research will be necessary on this topic, but we are providing this draft of understanding to you so that you can research this perspective and provide your own insights.

Explanation

The definition of the "production" of marijuana under NRS 453A.130 refers directly to 453.131, which is defined as:

“...the manufacturing of a controlled substance and the planting, cultivation, growing or harvesting of a plant from which a controlled substance is derived.”

Because the definition of production is defined by ‘manufacturing,’ any waste derived from that manufacturing would be the solid waste thereof.

In searching for a legal understanding of medical marijuana waste, the most applicable definition is “solid waste” (NRS 444.490), which includes industrial solid waste (further defined by NAC 444.585). Under NAC 444.585, industrial solid waste is “derived from industrial or manufacturing processes.”

If this follows, and marijuana waste is considered to be industrial solid waste, this could preclude cultivation facilities from themselves being solid waste management sites. This would require a third party waste management to collect the MMJ solid waste under a waste management plan as set forth under NRS 444.

It is worth noting, however, that SB374 requires those handling and transporting medical marijuana to be licensed producers, and perhaps would require your approval and licensing in

order to process the waste. And although a waste management facility would not be “producing” an item for human consumption (as defined under the bill), the existing definition would allow a company to safely handle waste product that falls under the definition of usable marijuana (NRS 453A.160) and marijuana itself (NRS 453.096).